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BIR LAW, PLC
13092 GLASGOW CT.
PLYMOUTH, MI 48170-5241

EXAMINER
REVAK, CHRISTOPHER A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/605,063	COLVIN, DAVID S.
	Examiner	**Art Unit**	
	Christopher A. Revak	2131	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 May 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-95</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-95</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>see attached PTO form 1449</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-95 have been considered but are moot in view of the new grounds of rejection.

2.   The applicant argues that Ananda fails to disclose of an "authorized representative entity installed on a device to access the software". The examiner notes that Ananda discloses of communications with a central rental facility and it is through use of installed software on the user's computer which allows for communications with the central rental facility, see column 3, lines 11-37.

3.   The applicant argues that Ananda fails to disclose of a "portable device". The examiner disagrees with the applicant's assertion, user's computer are notoriously well known to be portable in nature. Furthermore, the user computer of Ananda is equivalent in nature to the portable device claimed by the applicant in that they both have the components such as memory and a processor.

4.   As per the remaining dependent claims, the Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Terminal Disclaimer

5.   The terminal disclaimer filed disclaiming the terminal portion of any patent

granted on this has been reviewed and is accepted. The terminal disclaimer has been

recorded.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 40,41,43,44, and 81-95 are rejected under 35 U.S.C. 102(b) as being

anticipated by Ananda, U.S. Patent 5,495,411.

As per claim 40, it is taught by Ananda of a method for securing software having

at least one associated authentication code to reduce unauthorized use, the method

comprising intercepting a request to access the software; determining whether an

authorized representative entity is available to authenticate a user device for which

software access is requested; if an operational authorized representative entity is

available, using the authorized representative entity to determine if the user device for

which software access is requested is authorized based on the at least one

authentication code and providing access to the software if the user device is

authorized; and if an operational authorized representative entity is not available,

installing an authorized representative entity from the software and determining whether

the user device is authorized using the installed authorized representative entity (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 41, Ananda discloses wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 43, it is disclosed by Ananda wherein the step of intercepting comprises intercepting a request to utilize the software (col. 3, lines 11-15 & 21-28).

As per claim 44, it is taught by Ananda wherein the step of determining comprises determining whether an authorized representative entity is installed on or in a device (col. 10, lines 4-15).

As per claim 81, Ananda discloses of a method for reducing unauthorized use of software including digital content, the method comprising obtaining registration information associated with at least one portable user device; generating at least one authentication code based on the registration information associated with the at least one portable device; associating the authentication code with the software; transferring the software to a user computer; controlling access to the software using at least one authorized representative entity to inhibit access to the software by unauthorized portable user devices (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15).

As per claim 82, Ananda teaches wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 83, it is disclosed by Ananda wherein the step of obtaining registration information comprises automatically obtaining hardware information associated with the portable user device (col. 3, lines 11-28).

As per claim 84, it is taught by Ananda wherein the registration information corresponds to a group of portable devices (col. 3, lines 11-15).

As per claim 85, Ananda discloses wherein the authentication code corresponds to a group of portable devices (col. 3, lines 11-15).

As per claim 86, Ananda teaches wherein the authentication code at least partially corresponds to a secondary device manufacturer (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 87, it is disclosed by Ananda wherein the authentication code at least partially corresponds to a specific type of secondary device (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 88, it is taught by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by a remote authorized representative entity (col. 3, lines 11-15 & 21-28).

As per claim 89, Ananda discloses wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by the user computer (col. 3, lines 9-26).

As per claim 90, Ananda teaches wherein the step of controlling access is performed by the portable user device (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 91, it is disclosed by Ananda wherein the step of controlling access comprises determining if a portable user device includes an authorized representative entity; and transferring the software to the portable user device only if the portable user device includes an authorized representative entity (col. 3, lines 9-26 and col. 10, lines 4-15).

As per claim 92, it is taught by Ananda wherein the step of controlling access further comprises determining if the portable user device is authorized to access the software based on the at least one authentication code using the authorized representative entity on the portable device; and controlling access to the software by the portable device using the authorized representative entity on the portable device (col. 3, lines 9-26 and col. 10, lines 4-15).

As per claim 93, Ananda discloses wherein the step of controlling access comprises modifying the software if the portable device is not authorized to access the software (col. 10, lines 8-15).

As per claim 94, Ananda teaches wherein the step of modifying the software comprises reducing quality of content contained in the software (col. 10, lines 8-15).

As per claim 95, it is disclosed by Ananda wherein the step of modifying the

software comprises rendering the software unusable on any portable device (col. 10,

lines 8-15).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-39,42, and 45-80 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ananda, U.S. Patent 5,495,411 in view of Diersch et al, U.S. Patent

6,101,606.

As per claims 1,10,11,14,18, and 20-22, Ananda discloses of a method for

securing software to reduce unauthorized use, the method comprising obtaining

registration information corresponding to an authorized device; generating an

authentication code based on the registration information; associating the authentication

code with the software; transferring the software to a primary user device; determining

whether the device is authorized based on the authentication code associated with the

software and registration information associated with the device; and controlling access

to the software by the device based on whether the device is authorized (col. 3, lines

11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15). The

teachings of Ananda fail to disclose of authorizing a secondary device to use software.

It is disclosed by Diersch et al of authorizing software onto multiple computers (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to license software to multiple computers for usage. The teachings of Diersch et al recite of motivational benefits by disclosing that software protection should not be dependent on any specific computer in a network in that problems exist in the prior art that if the software is tied to a specific computer, if it becomes defective, it is impossible to transfer the license (col. 2, lines 22-36 & 44-46). It is obvious that the teachings of Ananda would have found the teachings of Diersch et al beneficial in that licensed software would not be tied to one particular computer, but to additional devices in an attempt to avoid transferring of the license as taught by Diersch et al.

As per claim 2, Ananda teaches wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 3, it is disclosed by Ananda wherein the step of transferring the software is performed before the steps of obtaining registration information, generating an authentication code, and associating the authentication code (col. 3, lines 11-15 & 21-28).

As per claim 4, it is taught by Ananda wherein the step of transferring comprises transferring the software from a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 5, Ananda discloses wherein the step of transferring comprises transferring the software electronically (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 6, Ananda teaches wherein the step of transferring comprises transferring the software from a network (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 7, it is disclosed by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by an authorized representative entity (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 8, it is taught by Ananda wherein the authorized representative entity is installed on or in the primary user device (col. 10, lines 4-15).

As per claim 9, Ananda discloses wherein the authorized representative entity is installed on or in the current secondary user device (col. 10, lines 4-15).

As per claim 12, it is taught by Ananda of obtaining registration information corresponding to the primary user device; generating an authentication code based on the registration information; associating the authentication code with the software; and controlling access to the software by a current primary user device based on whether the current primary user device is authorized (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15).

As per claim 13, Ananda discloses of further comprising installing an authorized representative entity on or in at least one of the primary user devices (col. 10, lines 4-15).

As per claim 15, it is disclosed by Ananda wherein the authorized representative entity is installed on or in the primary user device and wherein controlling access comprises preventing the software from being transferred to the current secondary device (col. 10, lines 4-15).

As per claim 16, it is taught by Ananda wherein the authorized representative entity is installed on or in the primary user device and wherein controlling access comprises modifying the software to generate reduced quality software; and transferring the reduced quality software to the current secondary device (col. 10, lines 4-15).

As per claim 17, Ananda discloses wherein the primary user device comprises a computer (col. 10, lines 4-15). The teachings of Diersch et al are relied upon for disclosing of a secondary device comprises a digital audio player (col. 4, line 61 through col. 5, line 10).

As per claim 19, it is disclosed by Ananda wherein the step of controlling access to the software is performed by the primary user device (col. 10, lines 4-15).

As per claim 23, it is disclosed by Diersch et al wherein the step of controlling access determines that the current secondary device includes an authorized representative entity installed on or in the device, the method further comprising transferring the software to the current secondary device; and controlling access to the software on the current secondary device using the authorized representative entity

installed on or in the current secondary device (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claims 24 and 25, it is taught by Ananda wherein the step of obtaining automatically obtaining registration information comprises prompting the user to identify a device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 26, Diersch teaches wherein the step of determining is performed by an authorized representative entity installed on the primary user device in communication with the device (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 27, it is disclosed by Ananda wherein the device is in wireless communication with the primary user device (col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 28, it is taught by Ananda wherein the device is a personal digital assistant (col. 6, lines 57-63 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 29, Ananda discloses wherein the step of controlling access to the software comprises preventing transfer of at least a portion of the software to the device

(col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 30, Ananda teaches wherein the step of controlling access to the software comprises preventing the device from utilizing the software (col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 31, it is disclosed by Ananda wherein the step of controlling access comprises providing a second file type for use with the device (col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 32, it is taught by Ananda wherein the steps of obtaining, generating, and associating are performed by the primary user device and the steps of determining and controlling are performed by the device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 33, Ananda discloses of further comprising encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 34, Ananda teaches of further comprising associating an identifier with the software to trigger authentication by an authorized representative entity (col. 3, lines 11-49).

As per claim 35, it is disclosed by Ananda of further comprising disabling means for generating the authentication code (col. 3, lines 16-49).

As per claim 36, it is taught by Ananda wherein the software is included in a

computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 37, Ananda discloses wherein the authentication code at least

partially corresponds to a device manufacturer (col. 9, lines 5-6 and col. 10, lines 4-15).

Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through

col. 5, line 10 and col. 6, lines 29-35).

As per claim 38, Ananda teaches wherein the authentication code at least

partially corresponds to a specific type of device (col. 9, lines 5-6 and col. 10, lines 4-

15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61

through col. 5, line 10 and col. 6, lines 29-35).

As per claim 39, it is disclosed by Ananda of further comprising securing the

authentication code to hinder user tampering (col. 9, lines 25-34 and col. 10, line 63

through col. 11, line 8). Diersch et al is relied upon for disclosing of secondary devices

(col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 42, Ananda teaches wherein the step of intercepting comprises

intercepting a request to transfer the software (col. 3, lines 11-15 & 21-28 and col. 10,

lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line

61 through col. 5, line 10 and col. 6, lines 29-35). Please refer to motivation as applied

to claim 1 for applying the teachings of Diersch et al with Ananda.

As per claim 45, Ananda discloses of transferring the software to a device if the

device is determined to be authorized based on the at least one authentication code

(col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices

(col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35). Please refer to motivation

as applied to claim 1 for applying the teachings of Diersch et al with Ananda.

As per claim 46, Ananda teaches wherein a primary device determines whether

the device is authorized (col. 10, lines 4-15). Diersch et al is relied upon for disclosing

of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

Please refer to motivation as applied to claim 1 for applying the teachings of Diersch et

al with Ananda.

As per claim 47, it is disclosed by Ananda wherein a remote authorized

representative entity determines whether the device is authorized (col. 10, lines 4-15).

Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through

col. 5, line 10 and col. 6, lines 29-35). Please refer to motivation as applied to claim 1

for applying the teachings of Diersch et al with Ananda.

As per claim 48, it is taught by Ananda of a method for securing software to

reduce unauthorized use, the method comprising associating an identifier with the

software to request authentication; distributing the software to a user; detecting the

identifier associated with the software to activate authentication using an authorized

representative installed on a user device; obtaining registration information associated

with the device; generating an authentication code based on the registration

information; linking the authentication code to the software; and controlling access to

the software by the device based on the authentication code (col. 3, lines 11-15 & 21-

28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15). The teachings of

Ananda fail to disclose of authorizing a secondary device to use software. It is

disclosed by Diersch et al of authorizing software onto multiple computers (col. 4, line

61 through col. 5, line 10 and col. 6, lines 29-35). It would have been obvious to a

person of ordinary skill in the art at the time of the invention to have been motivated to

license software to multiple computers for usage. The teachings of Diersch et al recite

of motivational benefits by disclosing that software protection should not be dependent

on any specific computer in a network in that problems exist in the prior art that if the

software is tied to a specific computer, if it becomes defective, it is impossible to transfer

the license (col. 2, lines 22-36 & 44-46). It is obvious that the teachings of Ananda

would have found the teachings of Diersch et al beneficial in that licensed software

would not be tied to one particular computer, but to additional devices in an attempt to

avoid transferring of the license as taught by Diersch et al.

As per claim 49, Ananda discloses wherein the step of obtaining registration

information comprises prompting a user to identify at least one secondary device (col. 3,

lines 11-49 and col. 10, lines 4-15).

As per claim 50, Ananda teaches wherein the software comprises digital content

selected from the group consisting of data representing music, data representing video,

instructions executable by a computer, code for an application program, code for an

operating system component, code for a game, data representing a movie, data

representing graphics, data representing watermarked works, data representing a

magazine, and data representing a book (col. 1, lines 17-19).

As per claim 51, it is disclosed by Ananda wherein the step of obtaining

registration information comprises automatically obtaining hardware information

associated with the device (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is

relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10

and col. 6, lines 29-35).

As per claim 52, it is taught by Ananda wherein the authentication code at least

partially corresponds to a device manufacturer (col. 9, lines 5-6 and col. 10, lines 4-15).

Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through

col. 5, line 10 and col. 6, lines 29-35).

As per claim 53, Ananda discloses wherein the authentication code at least

partially corresponds to a specific type of device (col. 9, lines 5-6 and col. 10, lines 4-

15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61

through col. 5, line 10 and col. 6, lines 29-35).

As per claim 54, Ananda teaches wherein the step of linking comprises

embedding the authentication code within the software (col. 3, lines 11-49).

As per claim 55, it is disclosed by Ananda wherein the step of linking comprises

modifying the software based on the authentication code for use by an authorized

device (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied upon for

disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines

29-35).

As per claim 56, it is taught by Ananda wherein the step of controlling access to

the software comprises preventing the software from being transferred to an

unauthorized device (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied

upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 57, Ananda discloses wherein the step of controlling access to the software comprises preventing unauthorized devices from utilizing the software (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 58, Ananda teaches wherein the steps of obtaining registration information, generating an authentication code, and linking the authentication code are preformed prior to the step of distributing the software to a user (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 59, it is disclosed by Ananda wherein the step of distributing the software comprises distributing the software on a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 60, it is taught by Ananda wherein the step of distributing the software comprises electronically distributing the software (col. 3, lines 19-32).

As per claim 61, Ananda discloses of installing an authorized representative entity on at least one of the primary device (col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 62, Ananda teaches wherein the authorized representative entity is installed from a computer readable storage medium (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 63, it is disclosed by Ananda wherein the authorized representative entity is installed from a network (col. 9, lines 35-36).

As per claim 64, it is taught by Ananda wherein the step of controlling access to the software comprises preventing the software from being transferred to a device unless the device has an authorized representative entity installed (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 65, Ananda discloses wherein the step of obtaining registration information comprises automatically obtaining registration information associated with the primary device (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 66, Ananda teaches wherein the step of controlling access comprises restricting access to the software by the device unless the device can be automatically identified by the authorized representative installed on the primary user device (col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 67, it is disclosed by Ananda wherein the step of controlling access comprises providing limited access by the device if the device can not be automatically identified by the authorized representative entity installed on the primary user device

(col. 3, lines 11-49 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 68, it is taught by Ananda wherein the step of controlling access comprises providing a second file type for use with the device (col. 6, lines 57-65 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 69, Ananda discloses wherein the primary user device comprises a computer (col. 6, lines 57-63 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices comprising a digital audio player (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 70, Ananda teaches wherein the device comprises a cellular telephone (col. 6, lines 57-63 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 71, it is disclosed by Ananda wherein the device comprises a portable user device (col. 6, lines 57-63 and col. 10, lines 4-15). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 72, it is taught by Ananda wherein the authorized representative entity installed on the primary device comprises a hardware device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 73, Ananda discloses wherein the authorized representative entity installed on the primary device comprises software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 74, Ananda teaches wherein the authorized representative entity installed on the primary device comprises hardware and software (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 75, it is disclosed by Ananda of contacting a remote authorized representative entity if the authorized representative entity is unable to authenticate the device based on the authentication code (col. 1, lines 17-19; col. 10, lines 4-15; and col. 11, lines 61-65). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 76, it is taught by Ananda wherein the step of controlling access to the software is performed by the device (col. 1, lines 17-19; col. 10, lines 4-15; and col. 11, lines 61-65). Diersch et al is relied upon for disclosing of secondary devices (col. 4, line 61 through col. 5, line 10 and col. 6, lines 29-35).

As per claim 77, Ananda discloses wherein the step of controlling access to the software is performed by a remote authorized representative entity (col. 1, lines 17-19 and col. 11, lines 61-65).

As per claim 78, Ananda teaches wherein the step of controlling access to the software comprises modifying the software so the software is unusable (col. 10, lines 8-15).

As per claim 79, it is disclosed by Ananda wherein the software is included in a computer readable storage medium (col. 6, lines 57-63 and col. 9, lines 35-36).

As per claim 80, it is taught by Ananda of encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CR

August 1, 2007

CHRISTOPHER REVAK
PRIMARY EXAMINER